

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

MONIQUE MURRAY,
BENNETH EKWEGBALU,
ERIK GIORDANO,
ASHLEY HAMILTON,
VALENTYNA MASYK,
JASMINE MCNEILL,
ROSEDI MORALES,
WAYNE NEAL,
EMMETT SEALEY,
PAUL SINGH, and
ALLEN STEVENS,

Plaintiffs,

v.

CITY OF NEW YORK, NEW YORK,

Defendant.

No. 16-cv-8072 (PKC)
(JURY TRIAL DEMANDED)

**PLAINTIFFS' MOTION FOR CONDITIONAL CERTIFICATION AND
NOTICE TO PUTATIVE PLAINTIFFS PURSUANT TO 29 U.S.C. § 216(b)**

Plaintiffs, through their undersigned counsel, hereby submit this Motion for Conditional Certification and Notice to Putative Plaintiffs Pursuant to 29 U.S.C. § 216(b). In support of this motion, plaintiffs submit the attached memorandum of law, declarations, exhibits, and proposed notice.

For the reasons set forth in plaintiffs' memorandum of law, and based on the declarations and exhibits submitted in support hereof, plaintiffs respectfully request that this Motion be granted and that this Court authorize plaintiffs' counsel to notify all current and former employees of defendants who worked in the positions of Community Coordinator, Community Associate, Community Assistant, Fraud Investigator, Associate Fraud Investigator, Caseworker,

and Addiction Counselor for the City of New York's Department of Homeless Services at any time since October 14, 2013.¹

October 14, 2013, is three (3) years prior to the filing of the original Complaint in this action. Because the Fair Labor Standards Act imposes a three-year statute of limitations on employee claims, and because this limitation period is not tolled until a plaintiff files a consent form opting-in to this case, the plaintiffs now move this Court for facilitation and approval of the terms, provisions and issuance of class notice to all similarly-situated individuals.

As part of this Court's exercise of discretion to manage the terms and provisions of the notice issued, the plaintiffs respectfully request that this Court order that:

- (1) this case proceed as a collective action;
- (2) the defendant provide, within twenty (20) days, the names, mailing addresses, and e-mail addresses of all current and former employees of the defendant who have been employed by the New York City Department of Homeless Services in the positions of Community Coordinator, Community Associate, Community Assistant, Fraud Investigator, Associate Fraud Investigator, Caseworker, and Addiction Counselor at any time since October 14, 2013;
- (3) direct the issuance of plaintiff's proposed notice, attached as Exhibit A, to all prospective class members via mail and e-mail;
- (4) all such present and former employees shall have 90 days from the date defendant provides their names and addresses to plaintiffs' counsel to opt-in to this action; and

¹ For plaintiffs and putative plaintiffs who also participated as plaintiffs in *Martin, et al. v. City of New York*, No. 14-cv-8950 (TPG) (AJP), the relevant period is from January 5, 2016, the date the Settlement Agreement was approved by this Court, continuing to the present

(5) the statute of limitations is tolled until the close of the notice period referenced in paragraph 4 above.

Dated: February 1, 2017

Respectfully submitted,

/s/ Gregory K. McGillivary

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CERTIFICATE OF SERVICE

I hereby certify that on February 1, 2017, the foregoing document was filed on this Court's ECF system, which will send electronic notification to the following counsel of record:

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